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IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4919 /2005 Single Bench

PETITIONER

Satish Kumar Pandey, S/o Shri Akshay Kumar Pandey, aged about 41 years, Post – Assistant Director of D.E.O. Raigarh, R/o Pandripani, Raigarh, Tahsil and District – Raigarh, Chhattisgarh.

P.R. No. 5159/05 Presented by Shri V.K. Dubey dated 4/10/05

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through: Secretary Chhattisgarh Department of School Education, Mantralaya, D.K.S. Bhawan, Raipur, (C.G.)

2. Director, School Education, Raipur, Chhattisgarh.

3. Collector, Raigarh.

4. T.C. Patel, S/o ~~Shri~~ Nol Kanwal, aged about 56 years, Post – Adhoc D.E.O. Incharge Principal DIET, Pendra, R/o – Pendra, Tehsil – Pendra, District – Bilaspur, Chhattisgarh.

RECEIVED-COPY 4/10/05 CLERK to A. G. BILASPUR

शपथ आयुक्त बिलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTCLE 226/~~227~~ OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDUMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

The petitioner above named most respectfully submits as under:

V.K. Pandey ADV

(185)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4919 of 2005

Petitioner — Satish Kumar Pandey

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. Vineet Pandey, Advocate for the petitioner.
Mr. Vinay Pandey, Panel lawyer for the respondents No. 1 to 3/State.
Mr. Sunil Otwani, Advocate for the respondent No. 4.

ORDER

(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Assistant Director in District Education Office, Raigarh, was transferred to Government Multipurpose Higher Secondary School, Bilaspur as Principal with the same terms and conditions, vide impugned transfer order dated 30.9.2005 (P/1).
2. This Court, vide interim order dated 5.10.2005, status quo as regards to the place of posting of the petitioner as it existed on that day was granted. By virtue of the interim order, the petitioner has continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.
6. Consequently, M. (W.)P. No. 3965/2005, application for grant of interim relief and stay, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

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